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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,657	12/06/2001	Mathias Althin	12587-012001	8738
26212	7590	09/07/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				WANG, LIANG CHE A
ART UNIT		PAPER NUMBER		
		2155		

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/010,657	ALTHIN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Liang-che Alex Wang	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 May 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This action responds to an amendment filed on 5/17/2006.
2. Claims 1-19 remain for examination.
3. Claim 19 is newly added.

### *Response to Arguments*

4. Applicant's arguments filed 05/17/2006, have been fully considered but they are not persuasive.
5. The examiner views a exhibit as being an "object", and as video ID and time code as being "information concerning a selected object".
6. In that remarks, applicant's argues in substance:
  - a. That: Fitzsimmons fails to disclose the limitation of actually communicating the "information concerning the selected object to the user of the portable device" (page 7), Fitzsimmons fails to "display the information for a user of a portable device" (page 8), and neither the video ID nor the synchronization code is ever presented to the user (page 11)  
  
This is not found persuasive because Fitzsimmons teaches to transmit the data to a particular portable device (page 6 [0056] lines 21-24, time code and video resource ID are transmitted to portable device 300) in response to a request by the particular portable device (page 6 [0056], user enters the ID associated with the video display to retrieve an audio with synchronization information (time code and video ID) from the video server 452. Although the audio played is stored in

the local memory of the portable player, however, the audio is played, and the video is displayed with the time code and video ID, therefore information is communicated to the user of the portable device, while the playing time is synchronized with the video ID and time code.

- b. That: The limitation that Fitzsimmons fails to teach is a limitation on the central server, and not the portable device (page 9).

This examiner views wireless communication unit is differed than the infra-red communication unit as amended by the applicant on 11/21/2005. However, Fitzsimmons teaches the claimed limitation of “retrieving data concerning a selected object and to transmit the data to a particular portable device via wireless communication unit”. Central server communicates with portable device via IR 434 (figure 5).

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
8. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzsimmons, US Publication Number 2002/0068991, hereinafter Fitzsimmons, in views of Flom et al., US Publication Number 2001/0054087, hereinafter Flom.

9. Referring to claim 1, Fitzsimmons teaches a mobile guide communications system (see figure 5) comprising:
  - a. a portable device (portable interface device 300; page 2 [0029]) including a display (LCD 120, figure 1; page 2 [0024] lines 4-5), an infra-red communication unit (IR receiver 370, page 3 [0030] line 16), and a wireless communication unit (RF receiver 348, page 2 [0030] lines 11-12);
  - b. a plurality of object server (items 444 in room 440 and 441, fig. 4; exhibit servers store exhibit information) each object server associated with an object (figure 4, exhibit server is associated with an exhibit 432) and including an infra-red communication unit (IR transmitter 434) configured to communicate with the portable device (page 4 [0040] lines 2-5);
  - c. a central server (AV content server 452) including a wireless communication unit (Exhibit Audio Transmitter 442), the central server being configured to retrieve data concerning a selected object (page 6 [0056] lines 12-19, video server 452 includes a synchronization application, and the synchronization application retrieves information to identify the audio file associated with the selected object), and to transmit the data to a particular portable device (page 6 [0056] lines 21-24, time code and video resource ID are transmitted to portable device 300) in response to a request by the particular portable device (page 6 [0056], user enters the ID associated with the video display to retrieve an audio with synchronization information (time code and video ID) from the video server 452).

Fitzsimmons does not teach transmission of the data to the portable device is done via a wireless communication unit other than the infra-red communication unit.

However, Flom teaches a portable device having the capability of internet access and data transferring via a wireless communication mean (Flom, abstract, page 1 [0006] and page 2 [0010]);

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the portable internet device of Flom in Fitzsimmons such that to have the transmission of the data to the portable device is done via a wireless communication unit because both Flom and Fitzsimmons teach invention related to portable devices providing multimedia contents to users (Flom page 2 [0020], Fitzsimmons, page 3 [0039] lines 12-16).

A person with ordinary skill in the art would have been motivated to make the modification to Fitzsimmons because having the portable Internet device having the wireless Internet access capabilities as the portable device of Fitzsimmons would allow user to retrieve a wider range of information provided via Internet as taught by Flom.

10. Referring to claim 2, Fitzsimmons as modified teaches the system of claim 1, wherein the display is configured to display at least one of a multimedia presentation, a text display, a graphics display and an audio presentation (Fitzsimmons, page 4 [0042] lines 14-18, and page 5 [0051]).
11. Referring to claim 3, Fitzsimmons as modified teaches the system of claim 1, wherein the portable device further comprises an internet connection (Flom, page 1 [0006]).

12. Referring to claim 4, Fitzsimmons as modified teaches the system of claim 1, wherein the portable device further comprises processing circuitry configured to obtain an object identification code from an object server, to transmit the object identification code to the central server, to obtain from the central server, information concerning an object (page 6 [0056], user enters the ID associated with the video display to retrieve an audio with synchronization information (time code and video ID) from the video server 452), and to present the information to the user (page 6 [0059].)
13. Referring to claim 5, Fitzsimmons as modified teaches the system of claim 1, wherein the object server further comprises a memory including an object identification code associated with an object (page 6 [0057], exhibit server 444 transmit the video source ID to portable device 300. Source ID must be stored in a memory of server 444 before being transmitted to portable device 300.), and software code for causing the object server to transfer the object identification code in response to a request from a portable device (page 6 [0056], video source code is transmitted to the portable device in response to the ID entered from the portable device.)
14. Referring to claim 6, Fitzsimmons as modified teaches the system of claim 5, wherein the object server operates in a wait mode until communications are established with a portable device (figure 5. infra-red connects portable device 300 and exhibit server 444, wait mode is inherent at the time of establishing connection).
15. Referring to claim 7, Fitzsimmons as modified teaches the system of claim 5, wherein the object server is located within a predetermined distance from its associated specific object (figure 4, object server 444 and object 432).

16. Referring claim 8, Fitzsimmons as modified teaches the system of claim 1, wherein the central server includes: a database including information associated with different objects at an exhibition (page 6 [0056], database including information associated with objects must exist for retrieval from the synchronization application).
17. Referring to claim 9, Fitzsimmons as modified teaches the system of claim 8, wherein the central server further comprises software for causing the central server to receive a request for information concerning a specific object, wherein the request includes an object identification code (page 6 [0056]).
18. Referring to claim 10, Fitzsimmons as modified teaches the system of claim 9, wherein the central server is configured for internet access (figure 5, server 452 is connected to network 460 and 550 which provide internet capabilities for computer 570 to have internet access, and Flom teach the server is having the internet access capabilities to communicate the portable internet device), and wherein the central server further comprises software adapted for causing the terminal client to:
  - a. obtain an object identification code from the specific object servers (video source ID, page 6 [0057] lines 3-5, portable device 300 obtain the video source ID from exhibit server 444), when the terminal is in range of infrared communication unit of an object server (figure 4);
  - b. obtain requested object information from the central server (page 6 [0056] lines 17-19);
  - c. presented the obtained information (page 6 [0059] lines 6-9).

19. Claims 11-18 recite similar limitations as claims 1-10; therefore, they are rejected for similar reasons as claims 1-10 addressed above. Fitzsimmons teaches transferring the object identity code to the central server via wireless connection (page 6 [0056], user enters the ID associated with the video display to retrieve an audio with synchronization information (time code and video ID) from the video server 452; claim 10, and figure 5), and retrieving requested information from a database of the central server based on this object identity code (page 6 [0056], user enters the ID associated with the video display to retrieve an audio with synchronization information (time code and video ID) from the video server 452).

20. Referring to claim 9, Fitzsimmons teaches a mobile guide communications system (figure 5) comprising:

- a. a portable device (portable interface device 300; page 2 [0029]) for communicating information (time code and video resource ID corresponds to information) concerning a selected object (each exhibit 432 corresponds to selected object) to a user (page 6 [0056] lines 21-24, time code and video resource ID are transmitted to portable device 300, and portable device is used by an user), the portable device including a display (LCD 120, figure 1; page 2 [0024] lines 4-5), an infra-red communication unit (IR receiver 370, page 3 [0030] line 16), and a wireless communication unit (RF receiver 348, page 2 [0030] lines 11-12);
- b. a plurality of object server (items 444 in room 440 and 441, fig. 4; exhibit servers store exhibit information) each object server associated with an object (figure 4, . exhibit server is associated with an exhibit 432) and including an infra-red

communication unit (IR transmitter 434) configured to communicate with the portable device (page 4 [0040] lines 2-5);

c. a central server (AV content server 452) including a wireless communication unit (Exhibit Audio Transmitter 442), the central server being configured to retrieve data concerning a selected object (page 6 [0056] lines 12-19, video server 452 includes a synchronization application, and the synchronization application retrieves information to identify the audio file associated with the selected object), and to transmit the data to a particular portable device (page 6 [0056] lines 21-24, time code and video resource ID are transmitted to portable device 300) in response to a request by the particular portable device (page 6 [0056], user enters the ID associated with the video display to retrieve an audio with synchronization information (time code and video ID) from the video server 452).

### *Conclusion*

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
22. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang   
August 28, 2006



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER